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Attorney for Plaintiff
JPA FURNITURE, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JPA FURNITURE INC., ON BEHALF OF
ITSELF AND ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

v.

GLOBAL CHECK SVC.,

Defendant.

CASE NO. 08 CV 0978 BEN (BLM)

**JOINT MOTION BY PLAINTIFF JPA
FURNITURE INC. AND DEFENDANT
GLOBAL CHECK SVC. FOR STAY OF
PROCEEDINGS UNTIL SEPTEMBER 8,
2008, AND FOR ADJOURNMENT OF
HEARING ON DEFENDANT'S MOTION
TO DISMISS, PENDING THE PARTIES'
SETTLEMENT DISCUSSIONS**

**Complaint filed: June 2, 2008
Trial Date: None Set**

Plaintiff JPA FURNITURE, INC. ("Plaintiff") and Defendant GLOBAL CHECK
SERVICES ("Defendant"), by and through their counsel, agree and stipulate as follows:

1. On or about June 2, 2008, Plaintiff filed its complaint in the United States District Court for the Southern District of California;
2. Defendant was served on June 3, 2008;
3. Defendant's responsive pleading was initially due on June 23, 2008;
4. On or about July 11, 2008, Defendant sought, by way of a Joint Motion, an extension of time to respond to the Complaint, and that Joint Motion was granted by the Court;
5. On July 25, 2008, Defendant filed its Motion to Dismiss the Complaint Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) And Motion to Strike Punitive Damages

1 ("Motion to Dismiss"), as well as supporting declarations. The motion was noticed for a hearing
2 on September 8, 2008;

3 6. Since the filing of Defendant's Motion to Dismiss, the parties have engaged in
4 preliminary discussions about the possibility of resolving this putative class action through a
5 settlement agreement. The discussions have resulted in an exchange of a settlement
6 memorandum from Plaintiff's counsel to Defendant's counsel on August 21, 2008. Upon review
7 of that settlement memorandum, the parties, through their undersigned counsel, have concluded
8 that additional discussions and negotiations about the possibility of settlement are warranted and
9 desirable;

10 7. Under the present briefing schedule, any Opposition to be filed by Plaintiff in
11 response to Defendant's Motion to Dismiss would be due no later than August 25, 2008. In
12 addition, as no responsive pleading to the Complaint has been filed, Plaintiff has voiced its intent
13 to file an Amended Complaint, pursuant to Federal Rule of Civil Procedure 15, in lieu of an
14 Opposition to the Motion to Dismiss;

15 8. Because the parties are engaged in the midst of settlement discussions that have
16 progressed and that both parties believe warrant additional negotiation with the aim of resolving
17 this matter, if at all possible, through settlement, the parties both believe that it would be
18 warranted to stay all briefing and other pleading filing deadlines, so that the parties may continue
19 to explore the possibility of settlement. The parties, therefore, jointly request that this action be
20 stayed for two weeks, until September 8, 2008, at which point, the parties will report to the Court
21 on the status of their settlement discussions. If the settlement discussions should yield a result
22 before September 8, 2008, the parties shall promptly report this result to the Court at that time. In
23 light of the stay being sought, the parties also agree, subject to Court approval, to take off
24 calendar the currently pending September 8, 2008 hearing date on the Motion to Dismiss. In the
25 event that the parties' settlement discussions do not yield a settlement agreement, Defendant shall
26 re-notice the hearing on the pending Motion to Dismiss after the stay of the action has expired.
27
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1 There have been two prior extensions of time granted to Defendant to file a responsive pleading
2 to the Complaint.

3 THEREFORE, the parties agree, stipulate and jointly move to **stay this action until**
4 **September 8, 2008, and to take off-calendar the currently scheduled September 8, 2008**
5 **hearing on Defendant's Motion to Dismiss**, so that the parties can continue to pursue settlement
6 discussions.

7 Dated: August 25, 2008

BRAUN LAW GROUP, P.C.

8
9 By: s/ Michael D. Braun

10 Michael D. Braun
11 Attorneys for Plaintiff
12 JPA FURNITURE INC.
13 E-mail: service@braunlawgroup.com

14
15 Dated: August 25, 2008

McKENNA LONG & ALDRIDGE LLP

16
17 By: s/ James S. McNeill

18 James S. McNeill
19 Attorneys for Defendant
20 GLOBAL CHECK SERVICES
21 E-mail: jmcneill@mckennalong.com
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1 I, Michael D. Braun, hereby certify that the content of this joint motion is acceptable to all
2 parties who are required to sign this joint motion. Defendant's counsel authorizes Plaintiff JPA
3 Furniture, Inc. to affix his CM/ECF electronic signature to this joint motion.
4

5 Dated: August 25, 2008

6 Braun Law Group, P.C.

7 By: s/ Michael D. Braun

8 Michael D. Braun
9 Attorneys for Plaintiff
10 JPA FURNITURE, INC.
11 E-mail: mdb@braunlawgroup.com
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
 3 COUNTY OF LOS ANGELES) ss.:

4 I am a member of the California Bar and am admitted to practice in this district. I am over
 5 the age of 18 and not a party to the within action; my business address is 12304 Santa Monica
 Boulevard, Suite 109, Los Angeles, California 90025.

6 On August 25, 2008, I filed and served the document(s) described as:

7 **JOINT MOTION BY PLAINTIFF JPA FURNITURE INC. AND DEFENDANT GLOBAL**
 8 **CHECK SVC. FOR STAY OF PROCEEDINGS UNTIL SEPTEMBER 8, 2008, AND FOR**
 9 **ADJOURNMENT OF HEARING ON DEFENDANT'S MOTION TO DISMISS, PENDING**
 10 **THE PARTIES' SETTLEMENT DISCUSSIONS**

by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

11 Roy A. Katriel, Esq.
 THE KATRIEL LAW FIRM, PLLC
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 12 Washington, DC 20007
 Tel: (202) 625-4342
 13 Fax: (202) 330-5593
 E-mail: rak@katriellaw.com

14 **Attorneys for Plaintiff**

James S. McNeill, Esq.
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15 **Attorneys for Defendant**

16 I served the above document(s) as follows:

17 **BY MAIL.** I am familiar with the firm's practice of collection and processing
 18 correspondence for mailing. Under that practice it would be deposited with U.S. postal service on
 that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of
 19 business. I am aware that on motion of the party served, service is presumed invalid if postal
 cancellation date or postage meter date is more than one day after date of deposit for mailing in an
 20 affidavit.

21 I declare under penalty of perjury under the laws of the United States that the above is true
 and correct.

22 Executed on August 25, 2008, at Los Angeles, California 90025.

23
 24
 25 /S/ MICHAEL D. BRAUN
 Michael D. Braun